

REMARKS

Claims 1-20 were previously pending in the application. Claims 18-20 were previously withdrawn. By the Amendment, Claims 6 and 13 are currently amended, Claim 20 is canceled without prejudice, and original Claims 1-5, 7-12 and 14-17 remain unchanged. Applicants gratefully acknowledge the Examiner's indication that Claims 6, 8-10 and 12-16 include allowable subject matter.

Allowable original Claim 6 has been rewritten in independent form to include all the limitations of the base claim. Therefore, newly-independent Claim 6 is allowable.

Allowable original Claim 13 has been rewritten in independent form to include all the limitations of the base claim. Therefore, newly-independent Claim 13 is allowable. Dependent Claims 14-15 depend from independent Claim 13 and are allowable for the same and other reasons.

Claims 1-5, 7, and 11 were rejected under 35 USC §103(a) as being unpatentable over Ermisch (US 1,926,977) in view of either Wilsker et al. (US 3,765,580) (hereinafter "Wilsker") or Zademach et al. (US 2,413,853) (hereinafter "Zademach").

Claim 1 recites a washing machine, comprising: a housing; a conveying configuration disposed in said housing and moving laundry in a circulatory path within said housing; and a fan disposed in said housing.

Ermisch discloses a garment cleaning machine having a washing chamber (1), a spraying chamber (2), a rinsing chamber (3), and a drying chamber (4). Ermisch discloses that the chambers (1-4) are disposed in a row and that a conveyor (5) extends through all the chambers and carries clothes successively through the chambers. Ermisch discloses that the conveyor (5) follows a sinuous path through the chambers of the machine, as shown in Fig. 2. Ermisch discloses that a garment is placed on the conveyor (5) and enters the washing chamber and continues through the remaining chambers until it issues from the drying chamber (4) completely clean and dry.

The prior art references do not teach or suggest all the claim limitations recited in Claim 1. As acknowledged by the Examiner, Ermisch does not disclose a conveyor having a circulatory path. Zademach does not cure the defects of Ermisch. Zademach discloses a washing machine having an elongated body 20 and a pair of endless chains 66 for carrying hangers 72 with articles 71. Zademach does not disclose "a conveying

configuration disposed in said housing and moving laundry in a circulatory path within said housing”, as recited in Claim 1. Rather, in Zademach, the chains 66 carry the hangers 72 with articles 71 along a linear path through the body 20. The hangers 72 are inserted into the body 20 and placed on the chains 66 at one end of the body 20, and taken off the chains 66 and removed from the body 20 at the opposite end of the body 20. As recited in Zademach, “the arrangement being such that successive bars 73 each carrying two hangers 72 may be lowered into an end compartment 24 until the bar rests on chain 66, which then carries said bar, hangers and articles lengthwise through the machine and into the opposite end compartments 24, where the bar with its hangers and attached articles is lifted upwardly out of the machine.” (See column 5, lines 50-58) Zademach does not disclose a conveying configuration “moving laundry in a circulatory path within said housing.” Therefore, the combination of Ermisch and Zademach does not teach or suggest all the claim limitations of Claim 1.

For these and other reasons, Ermisch and Zademach, either alone or in combination, do not teach or suggest the subject defined by independent Claim 1. Therefore, Claim 1 is allowable. Claims 2-5, 7-12 and 16-17 depend from Claim 1 and are allowable for the same reasons and also because they recite additional patentable subject matter.

Similarly, Wilsker does not cure the defects of Ermisch. Wilsker discloses a garment dewrinkling apparatus having an enclosure and a conveyor means 32 passing through a narrow rectangular tunnel in the enclosure from an inlet 28 to an outlet 30, and around the exterior of the enclosure. As shown in Fig. 3 of Wilsker, only part of the conveyor means 32 extends through the enclosure and the conveyor 32 carries the hanging garments 40 in a linear path through the enclosure. Wilsker does not disclose “a conveying configuration disposed in said housing and moving laundry in a circulatory path within said housing”, as recited in Claim 1. Therefore, the combination of Ermisch and Wilsker does not teach or suggest all the claim limitations of Claim 1.

For these and other reasons, Ermisch and Wilsker, either alone or in combination, do not teach or suggest the subject defined by independent Claim 1. Therefore, Claim 1 is allowable. Claims 2-5, 7-12 and 16-17 depend from Claim 1 and are allowable for the same reasons and also because they recite additional patentable subject matter.

In addition, the Applicants respectfully disagree with the Examiner's statement in item 3 on page 4 of the Office action that "it would have been obvious to one having ordinary skill in the art to modify Ermisch to be as taught by either Zademach or Wilsker, for the purpose of saving floor space." As described above, the combination of Ermisch with either Zademach or Wilsker does not disclose all the claim limitations recited in Claim 1. However, even if any of these references did disclose "a conveying configuration disposed in said housing and moving laundry in a circulatory path within said housing", as recited in Claim 1, which they do not, it would not have been obvious to one of ordinary skill in the art to combine the reference with Ermisch.

Ermisch discloses that the items to be cleaned travel through the different chambers in one direction with a turning motion (due to the sinuous path of the conveyor), in which each chamber performs a certain process to the garment. A conveyor moving the garments in a circulatory path would render Ermisch unsatisfactory for its intended purpose and change the principle of operation of Ermisch. If Ermisch included a circulatory conveying means, the items to be cleaned would be sent back through the individual chambers after reaching the drying chamber (4) and would end up being re-soaked in the solution of the washing chamber (1).

Therefore, a person of ordinary skill in the art would not modify the conveyor of Ermisch to include a circulatory conveyor, as suggested by the Examiner. Ermisch discloses that the items to be cleaned pass through each of the chambers one after another from chamber 1 to 4 and to emerge from the drying chamber (4) in a gasoline free state. The suggested modification by the Examiner would force the garments to be subjected to the chambers 1-3 multiple times, thereby render it unsatisfactory for its intended purpose and changing the principle of operation of the cleaning machine. Since the modification of the conveyor of Ermisch as suggested by the Examiner would render it unsatisfactory for its intended purpose and change the principle of operation of the cleaning machine, there is no motivation or suggestion to combine the references cited by the Examiner.

Furthermore, the Applicants respectfully disagree with the Examiner's comment that the reason for combining the references is "for the purpose of saving floor space". The number of chambers required to complete the cleaning of an item would be the same and the chambers would still be of the same size. Simply adding a circulatory conveyor

to Ermisch would not change the size of the chambers for the device in Ermisch. Accordingly, if the chambers were disposed in a square footprint the floor area required for the cleaning device would remain the same as the linear layout or rectangular layout as shown in the figures of Ermisch. Therefore, a desire to save floor space does not provide sufficient motivation or suggestion to combine the references.

A critical step in analyzing the patentability of claims pursuant to 35 U.S.C. § 103 is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher.

Most if not all inventions arise from a combination of old elements. Thus, every element of a claimed invention may often be found in the prior art. However, identification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention. Rather, to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the appellant.

The motivation, suggestion or teaching may come explicitly from statements in the prior art, the knowledge of one of ordinary skill in the art, or, in some cases the nature of the problem to be solved. In addition, the teaching, motivation or suggestion may be implicit from the prior art as a whole, rather than expressly stated in the references. The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art. Whether the examiner relies on an express or an implicit showing, the examiner must provide particular findings related thereto. Broad conclusory statements standing alone are not "evidence." When an examiner relies on general knowledge to negate patentability, that knowledge must be articulated and placed on the record.

The Examiner has not established a *prima facie* case of obviousness for the claimed invention, as recited in independent Claim 1. As described above, the prior art references do not teach or suggest all the claim limitations. Also, there is no suggestion or motivation in the prior art to combine the teachings or modify the references, as suggested by the Examiner.

For these and other reasons, the cited references, either alone or in combination, do not teach or suggest the subject defined by independent Claim 1. Therefore, Claim 1 is allowable. Claims 2-5, 7-12 and 16-17 depend from Claim 1 and are allowable for the same reasons and also because they recite additional patentable subject matter.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of Claims 1-17 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. Please note that Applicants have changed representation and are now represented by new counsel. The formal Revocation of Power of Attorney / New Power of Attorney and Change of Correspondence Address documents will be forthcoming.

Craig J. Loest

Name of Attorney Signing under 37 CFR 1.34

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Craig J. Loest', with a stylized flourish at the end.

Craig J. Loest

Registration No. 48,557

June 1, 2005

BSH Home Appliances Corp.
100 Bosch Blvd
New Bern, NC 28562
252-672-7930
email: craig.loest@bshg.com